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9 **Attorneys for Plaintiff**
10 **DITECH FINANCIAL LLC**

11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**

13 **DITECH FINANCIAL LLC,**

14 **Plaintiff,**

15 **v.**

16 **T-SHACK, INC.; SUNDANCE**
17 **HOMEOWNERS ASSOCIATION, INC.,**

18 **Defendants.**

Case No. 2:16-cv-02615-RFB-VCF

**STIPULATION AND ORDER TO
DISMISS CLAIMS FOR ATTORNEYS'S
FEES AND COSTS**

19 DITECH FINANCIAL LLP and T-SHACK INC. by and through their attorneys of record,
20 hereby stipulate as follows:

- 21 1. On February 11, 2019, Ditech Holding Corporation and its debtor affiliates (including
22 Defendant Ditech Financial LLC ("Ditech")) each commenced a voluntary case under
23 chapter 11 of title 11 of the United States Code in the United States Bankruptcy Court for the
24 Southern District of New York (the "Bankruptcy Court"). Ditech's chapter 11 cases are
25 indexed at case number 19-10412 (JLG).
- 26 2. On September 26, 2019, the Bankruptcy Court entered the Order Confirming the Third
27 Amended Joint Chapter 11 Plan of Ditech Holding Corporation and Its Affiliated Debtors
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(ECF No. 1404). This order approved the terms of the Third Amended Joint Chapter 11 Plan of Ditech Holding Corporation and Its Affiliated Debtors (ECF No. 1326) (the "Plan").

3. The Plan contains Section 10.5 which provides for a permanent injunction (the "Plan Injunction") that specifically prohibits Parties from prosecuting against Ditech any claim that arose prior to September 30, 2019 (the Effective Date of Ditech's Plan) seeking monetary relief (including claims seeking attorneys' fees and costs).
4. The claims for monetary relief of Defendant T-Shack, Inc. ("T-Shack") as against Ditech, are therefore barred by the Plan Injunction as they arose prior to the Effective Date of the Plan.
5. Ditech and T-Shack, pursuant to Fed. R. Civ. P. 41, hereby agree as follows:

Ditech and T-Shack agree that all claims and requests seeking monetary relief, including those seeking attorneys' fees and costs contained in clause four on page 18 of T-Shack's March 22, 2017 *Answer to Complaint* (ECF No. 22) (the "**Answer**") are dismissed as against Ditech. To the extent that this stipulation is not found to be sufficient to dismiss T-Shack's claims for

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1 monetary relief under Rule 41, T-Shack agrees to seek to amend the Answer solely with respect to
2 the matters set forth in this paragraph pursuant to Fed. R. Civ. P. 15.

3 **IT IS SO STIPULATED.**

4 DATED: January 12, 2021

WOLFE & WYMAN LLP

5
6 By: /s/Colt B. Dodrill

COLT B. DODRILL, ESQ.

Nevada Bar No. 9000

6757 Spencer Street

Las Vegas, NV 89119

cbdodrill@ww.law

Attorneys for Plaintiff

DITECH FINANCIAL LLC

11 DATED: January 12, 2021

BLACK & WADHAMS

12
13 By: /s/ Christopher V. Yergensen

CHRISTOPHER V. YERGENSEN, ESQ.

Nevada Bar No. 6183

10777 W. Twain Ave., Suite 300

Las Vegas, NV 89135

Attorneys for Defendant

T-SHACK, INC.


ORDER

By stipulation of the parties and good cause appearing therefore, the Court orders as follows:

IT IS HEREBY ORDERED THAT Plaintiff T-SHACK, INC.'s claims for monetary relief, including those seeking attorneys' fees and costs, as set forth in its Answer to the underlying Complaint filed in this action be dismissed.

IT IS SO ORDERED.

Dated: January 12, 2021


RICHARD E. BOULWARE, II
United States District Court

Respectfully submitted by:

By: /s/ Colt B. Dodrill
COLT B. DODRILL, ESQ.
Nevada Bar No. 9000
WOLFE & WYMAN LLP
6757 Spencer Street
Las Vegas, NV 89119
Attorneys for Plaintiff
DITECH FINANCIAL LLC

CERTIFICATE OF SERVICE

On January 12, 2021, I served the **STIPULATION AND ORDER TO DISMISS CLAIMS FOR ATTORNEYS'S FEES AND COSTS** by the following means to the persons as listed below:

 X a. ECF System (you must attach the "Notice of Electronic Filing", or list all persons and addresses and attach additional paper if necessary):

Christopher V. Yergensen, Esq.
Nevada Bar No. 6183
BLACK & WADHAMS
10777 W. Twain Ave., Suite 300
Las Vegas, NV 89135
T: 702-869-8801
Attorneys for Defendant T-SHACK, INC.

 b. United States Mail, postage fully pre-paid (List persons and addresses. Attach additional paper if necessary):

By: /s/Kathleen S. Gambill
Kathleen S. Gambill
An employee of Wolfe & Wyman LLP

Kathy S. Gambill

From: Christopher Yergensen <cyergensen@blackwadhams.law>
Sent: Tuesday, January 12, 2021 11:10 AM
To: Colt B. Dodrill
Cc: david.hill@weil.com; cliff.sonkin@weil.com
Subject: RE: Ditech Financial, LLC v. T-Shack, Inc. (USDC Case Nos. 2:16-cv-02812 & 2:16-cv-02615) / W&W File Nos. 1556-267 and 1556-276

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These are acceptable. Feel free to use my esignature to file.

Chris Yergensen, Esq.

Attorney



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From: Kathy S. Gambill <ksgambill@ww.law> **On Behalf Of** Colt B. Dodrill

Sent: Tuesday, January 12, 2021 10:17 AM

To: Christopher Yergensen <cyergensen@blackwadhams.law>

Cc: david.hill@weil.com; cliff.sonkin@weil.com; Colt B. Dodrill <cbdodrill@ww.law>

Subject: Ditech Financial, LLC v. T-Shack, Inc. (USDC Case Nos. 2:16-cv-02812 & 2:16-cv-02615) / W&W File Nos. 1556-267 and 1556-276

Dear Mr. Yergensen:

On behalf of Colt B. Dodrill, attached please find two stipulations regarding the dismissing of Plaintiff's claims for monetary relief as set forth in its answer to the underlying Complaint in the above-referenced actions. Please advise if you approve and if we have authorization to file.

Thank you.

Kathy



Kathleen S. Gambill
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